

38201-65136 RER

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE,
WESTERN DIVISION AT MEMPHIS**

ERIC WADDELL,

Plaintiff,

vs.

**No. _____
JURY DEMAND**

**NATIONWIDE GENERAL
INSURANCE COMPANY,**

Defendant.

NOTICE OF REMOVAL

Defendant Nationwide General Insurance Company ("Nationwide") hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the Clerk of the Shelby County Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, and Plaintiff Eric Waddell that the action described herein and filed in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, is removed to the United States District Court for the Western District of Tennessee, Eastern Division pursuant to 28 U.S.C. § 1441.

1. On April 9, 2007, Plaintiff, Eric Waddell, filed a civil action bearing Docket No. CT-001875-07, in Division Seven, against the Defendant Nationwide, in the Circuit Court of Shelby County, Tennessee. Service of the complaint and summons was made upon Nationwide on May 5, 2008 by certified mail.

2. This action is filed by Plaintiff for breach of contract, statutory claims for bad faith, and violation of the Tennessee Consumer Protection Act, punitive damages and other relief allegedly due pursuant to a contract of insurance covering a 2003 Isuzu Axiom owned by the Plaintiff which was allegedly stolen on or about January 13, 2007.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which appears to exceed Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, pursuant to 28 U.S.C. § 1332. Specifically, the complaint contains no specific demand. However, the Complaint alleges that Nationwide be ordered to pay for the vehicle, a penalty of up to 25% of the contract amount pursuant to Tenn. Code Ann. §56-7-105, treble damages pursuant to the Tennessee Consumer Protection Act, lost wages, rental car expenses, loss of use, physical and mental anguish, cost of litigation, and attorney fees. In addition, the Complaint seeks punitive damages.

4. Plaintiff is a resident and citizen of the State of Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant Nationwide is a corporation incorporated in Ohio, with its principal place of business in Columbus, Ohio. The amount in controversy appears to exceed Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs when considering the various categories of damages Plaintiff is seeking, including the claim for penalty, treble, and punitive damages.

5. This notice is filed within the time prescribed by 28 U.S.C. § 1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number CT-001875-07 is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, PLC

____s/ Russell E. Reviere_____
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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon Paul J. Springer, Attorney for Plaintiff, 200 North Main Bldg., Suite 3015, Memphis, TN 38103 by mailing postage prepaid or by the Court's ECF filing system.

This the 3rd day of June, 2008.

s/ Russell E. Reviere